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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,272	10/31/2003	Richard J. Macor	HSF0310	2053
7590	04/29/2005		EXAMINER	
Richard J. Macor 26 Alpaugh Drive Asbury, NJ 08802-1213			MEISLIN, DEBRA S	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	10/699,272	MACOR, RICHARD J.
	Examiner	Art Unit
	Debra S Meislin	3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 21-36 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 21-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Art Unit: 3723

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 21-23, 26, 29-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsien in view of Lamond.

Hsien discloses all of the claimed subject matter except for the shroud having a substantially non-twisted external portion, both ends being tapered, and the shroud being "molded". Lamond discloses molded handle shrouds that are non-twisted and whose outer surface does not necessarily conform to the inner surface or handle surface shape. The cavity of the shroud of Lamond corresponds to the cross-sectional shape of the tool main body portion and includes a circular external shape with a tapered end which is tapered toward the wrench head end of the tool. It would have been obvious to one having ordinary skill in the art to form the external portion of Hsien as non-twisted or not conforming to the inner surface or handle surface shape to allow for a smooth, more comfortable outer surface as inherently taught by Lamond.

It would have been obvious to one having ordinary skill in the art to form the shroud of Hsien as molded as such would have been an obvious method of manufacture for its known properties as taught by Lamond.

Hsien discloses a shroud with one end having an elongated opening perpendicular to the elongated opening at the opposite end. Lamond discloses a circular external shape with a tapered end which is tapered toward the wrench head end

of the tool. It would have been obvious to one having ordinary skill in the art to form the ends of the shroud of the double ended wrench of Hsien as tapered toward the wrench head ends of the tool such that the cavity of the shroud conforms to the cross-sectional shape of the tool main body portion to secure the shroud thereto and allow for a smooth outer surface as taught by Lamond.

3. Claims 24-25, 27-28, 32-33 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsien in view of Lamond as applied above, in further view of Smith et al.

Smith et al discloses a handle shroud being formed as two interconnecting or separate parts joined by a hinge. It would have been obvious to one having ordinary skill in the art to form the shroud of Hsien with two interconnecting or separate parts joined by a hinge to allow for the attachment to a tool as taught by Smith et al.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Applicant's arguments filed February 24, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Hsien is no longer being applied individually under 35 USC 102. Consequently, arguments directed to Hsien individually are not on point and deemed moot. Arguments directed to Lamond or Smith et al individually are also not on point. The rejection is based upon the combined teachings of Hsien and Lamond (and in further view of Smith et al) in the manner as set forth, above.

Hsien discloses opposing perpendicular openings on a shroud for a twisted wrench. Lamond discloses a shroud having a tapered end tapered toward the wrench head end of the tool and the shroud conforming internally to the polygonal shape of the tool handle with an external circular non-conforming shape. Since the shroud of Lamond is tapered toward the wrench head, forming the shroud of Hsien with the taper would teach the forming of a taper at both ends since Hsien discloses two wrench heads at opposite ends of the handle.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Debra S Meislin
Primary Examiner
Art Unit 3723

April 27, 2005